An Analytical Study of the Provisions relating to Dishonour of Cheques under Chapter XVII of the Negotiable Instruments Act, 1881

Anjana Dave
Research scholar, Faculty of law

Dr R V Mehta
Principal
Sir L A Shah Law College
GLS Campus, Ellisbridge,
Ahmedabad, Gujarat, India

Abstract

Before 1988 there being no effective legal provision to restrain people from issuing cheques without having sufficient funds in their account or any stringent provision to punish them in the vent of such cheque not being honoured by their bankers and returned unpaid. Of course on dishonour of cheques there is a civil liability accrued. This paper attempts to elucidate the penal provision in the light of the amendments and the judicial interpretations. Many issues arise under this section such as what happens in case of default, who will be liable to the holder of the cheque, what are the procedures involved to make the case adept in the eyes of the magistrate, etc. in this paper the researcher has attempted to look at all these issues comprehensively and analyse them with sufficient illustrations. The Negotiable Instruments Act, 1881 was amended in the year 1988 to add – Chapter XVII which pertains to "penalties in case of dishonour of certain cheques for insufficiency of funds in the accounts" and contains sections 138 to 147. The loop holes available to the defaulter of the cheque are ratified by the amendment of the year 2002 in Chapter XVII and the penalty provisions are made clear by various judicial pronouncements. But the recent judgment of the Supreme Court stating that in case of dishonour of cheque, a criminal complaint has to be filed where the drawer of the cheque is residing appears to be a huge set back to the interest of innocent creditors and also frustrates the very idea of the legislation. And hence the same in the opinion of the researcher requires modification.

Keywords:

Dishonour of cheques, Amendments and the judicial interpretations, Penalties.

Introduction

The cheque system in Indian is of British parentage. It is common knowledge that the London Gold Smiths were the first bankers in England and the system of the payment of cash through cheques dates back to 17th century. The system of cheques is a matter that concerns everybody whether he is a layman, a business magnate, an industrialist, a banker or a member of the bench or bar. Rhetorically, therefore, a truncated cheque system is injurious to the economic health of the

country. Getting aware of this and of the mandates of the global economy, we have passed Banking Public Financial Institutions and Negotiable Instruments laws (Amendment) Act 1988 (66 of 1988). By this amendment act, the chapter comprising section 138 to 142 was inserted in the Negotiable Instruments Act, 1881. Then again it was amended in the year 2002 and section 143 to 147 was inserted. The second amendment was resorted to plug the loopholes that were perceived even after the insertions of the sections i.e. 138 to 142 because legislature wanted to give it all possible teeth so that a bouncer of cheque does not escape the rope. The offence under section 138 of the Act could be visited with imprisonment up to two years and with fine up to twice the amount of the dishonoured cheque or both as the case may be. That ever since every limb of this statute was dissected and dealt with various high courts by rendering different judgements which sometimes created "ebbs" and "tides" in the administration of this law but our apex court got fully aware of the importance of this vastly viable instrument of commercial transaction and took to blending harmoniously the controversial sections of the Act and that is why displayed a pragmatic approach, sometimes by stretching and sometimes by shrinking particular words of this law as the legal exigencies and practical applications of the provisions, warranted. Our apex court has done commendable work on this concept, which has journeyed long by now. The judiciary has, by its interpretation cut the deadwood and trimmed off the said branches so that the holder of a cheque is not lost in thickets and branches. There is nowhere any batting on sticky wicket on cheques. It is always a win-win situation for a cheque holder. The judiciary has carefully done nothing that could damage the gathering momentum of a vibrant and sound banking system in the country.

The Supreme Court verdict on BALCO and contract labour amply reveals that our judiciary is a very much alive to the economic reforms and therefore, whatever verdicts pronounces on the concept of dishonour of cheque, there is an undercurrent of its anxiety to evolve sound banking system in India compatible with international standards.

Definition of Cheque

Due to development of Information Technology and Globalization, the Government felt to modernize the definition of Cheque by adding the new sentence to earlier definition. For the said purpose Parliament enacted the Negotiable Instruments Act 2002 to the Principal Act Negotiable Instruments Act, 1881.

Definition (before the amendment of 2002)

Section 6 of NI Act, 1881: Section 6- "Cheque".-A "cheque" is a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand.

Modified Definition (Amendment 2002)

Section 6- "Cheque".-A "cheque" is a bill of exchange drawn on a specified banker and not expressed to be payable otherwise than on demand and it includes the electronic image of a truncated cheque and a cheque in the electronic form.

Explanation I.-For the purposes of this section, the expressions- (a) "a cheque in the electronic form" means a cheque which contains the exact mirror image of a paper cheque, and is generated, written and signed in a secure system ensuring the minimum safety standards with the use of digital signature (with or without biometrics signature) and asymmetric crypto system;(b) "a truncated cheque" means a cheque which is truncated during the course of a clearing cycle, either by the clearing house or by the bank whether paying or receiving payment, immediately on generation of an electronic image for transmission, substituting the further physical movement of the cheque in writing.

Explanation II.-For the purposes of this section, the expression "clearing house" means the clearing house managed by the Reserve Bank of India or a clearing house recognised as such by the Reserve Bank of India.

– According to ***Willis, a Negotiable Instrument is Property which is acquired by anyone who takes it bonfire – for value, notwithstanding any defect of title in the person from whom he took it.***

Legal Frame Work of the Dishonour of Cheque

a. The Negotiable Instrument Act, 1881, Section 138 to 147.

b. Judicial Perspective

c. Recent development in cheque bouncing

a. The Negotiable Instrument Act, 1881 Section 138 to 147.

To ensure promptitude and remedy against defaulters and to make sure credibility of the holders of the negotiable instrument a criminal remedy of penalty was inserted in the Act, in form of the Banking, Public Financial Institutions and Negotiable Instruments Laws (Amendment) Act, 1988 that inserted Section 138 to 147 in the Act, which were further modified by the Negotiable Instruments (Amendment and Miscellaneous Provisions) Act, 2002.

The issue of dishonour of cheque is dealt under section 138 to 147 of the Act that provides for remedies and various forms of punishment in case of dishonour of cheque. Section 138 of the Act deals with the dishonour of cheque for insufficiency, etc., of funds in the account. It provides that a person shall be punishable for two years imprisonment or with fine, if the cheque issued by drawer returned by the

bank unpaid. The cheque must be issued in discharge of whole or part, of any debt or other liability. *Kapadvanj pupils Co. Bank Ltd. v Jaintybhai Talasagi Marwadi-2013(1) DCR 270 (Guj.)*

The presumption in favour of holder is drawn against the drawer and in favour of the holder under section 139 of the Act that cheque is received by the holder in discharge of whole or in part, of any debt or other liability. *Kamala S. v Vidyadharan2007 (2) Crimes 318(SC)*. Further section 140 of the Act provides that a person drawing a cheque cannot take up the defence that when he drew the cheque he had no idea that his credit balance in the account was insufficient. *(1) Kali Ram (1973) 2 SCC 808; Hiten P. Dalal v Brathindra Nath 2001 Cri LJ 4647 (SC). (2) Gemini (V.K.) v sivadasan Kunju 2007 Cri LJ 2776 (Ker).*

The offences by companies have been dealt under section 141(1) of the Act, which provides that if a person committing an offence under the section is a company, every person who at the time offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Section 142 of the Act states that the cognizance of an offence can be taken under section 138 upon a complaint in writing which must be made within one month by the payee or holder in due course from the date on which the cause of action arises under clause (c) of the proviso to section 138. *Kody Elecot Ltd v Down Town Hospital (1991) 71 Comp Cas 125 (Mad).* If there is no proof of service of the notice of demand as required under section 138, the prosecution of the drawer is not permissible.

The summary trial of cases have been provided under section 143of the Act, Notwithstanding anything contained in the code of Criminal Procedure, 1973 (2 of 1974) (in short code), all offences under this chapter shall be tried by a judicial magistrate of the first class or by a metropolitan magistrate and the provisions of sections 262 to 265 of the code shall, as far as may be, apply to such trials. *Shivaji Sampat Jagtap v Rajan Hiralal Arora(2007) Cri LJ 122 (Bom). Further under section 144 of the Act mode of service of summons has been provided. Rajesh Agrawal v State 2010 (171) DLT 51 (Del). Section 145 deals with the evidence on affidavit. KSL & Industries Ltd v Mannalal Khandelwal 2005Cri LJ 1210 (Bom) (DB)*. Section 146 provides bank's slip prima facie evidence of certain facts and section 147 states that all the punishable under the Act shall be compoundable. *Rameshbhai Somabhai Patel v Dineshbhai Achalanad Rathi 2005 Cri LJ 431 (Guj)*.

b. Judicial Perspective on Dishonour of Cheque*:*

The Supreme Court is also very strict to punish the persons who are liable for the dishonour of cheque when presented before the bank for the payment. Our judiciary upheld the constitutional validity of the law, i.e., Section 138 of the Act. In B. Venkat Narendra Prasad vs. State of A.P., the court held that the proviso to section 138 of the Act, ordains that in order that section is applied, the cheque must be presented within a period of three months, the payee must make a demand for the payment of said amount, and the drawer fails to make payment within days of receipt of notice. The main enacting clause of section 138 Act comes into play only after those three conditions are fulfilled.

Men Rea is not essential Ingredient:

It is not the requirement of section 138 of the Act that there should be *men rea* in dishonour of cheque. State of mind of accused person, his knowledge or reasonable beliefs are not necessary ingredients of an offence under section 138. It would be no defence under concerned provision that the drawer had no reason to believe that the cheque may be dishonoured on presentation. Nonexistence of men rea is no defence.

While elucidating on this aspect the *Kerala High Court in K. S. Anto v. Union of India* held that: "Knowledge or reasonable belief, that pre requisite could be statutorily dispensed with in appropriate cases by creating strict liability offences in the interest of the Nation."

Further the creation of the strict liability is an effective measure by encouraging greater vigilance to prevent usual callous or otherwise attitude of drawers of cheques in discharge of debts or otherwise attitude of drawers of cheques in discharge of debts or otherwise. The words as appearing in clause (b) of S. 138 cannot be construed even to imply failure without reasonable cause in view of the explicit language in which the provision is couched, the principle of strict liability incorporated in the main enacting clause.

c. Recent Development in the law

Lok adalats can decide cheque bouncing:

Recently, the Bombay High Court held that Lok Adalats constituted under Legal Services Authority Act, 1985 can decide the issue of cheque bouncing cases, and their verdict is final in such matters.

Five ingredients of the offence under s. 138

The offence under Sec. 138 of the Act can be completed only with the concatenation of a number of acts. Following are the acts, which are components of the said offence; 1. Drawing of the cheque,

2. Presentation of the cheque to the bank,

3. Returning the cheque unpaid by the drawee bank,

4. Giving notice in writing to the drawer of the cheque demanding payment of the cheque amount.

5. Failure of the drawer to make payment within 15 days of the receipt of the notice.

It is not necessary that all the above five acts should have been perpetrated at the same locality. It is possible that each of those five acts could be done at five different localities. But concatenation of all the above five is sine qua non for the completion of the offence under Sec. 138 of the Act.

Amendment in the year of 1988

The Negotiable Instruments Act, 1881 was amended by the Banking, Public Financial Institutions and Negotiable Instruments Laws (Amendment) Act, 1988 wherein a new Chapter XVII was incorporated for penalties in case of dishonour of cheques due to insufficiency of funds in the account of the drawer of the cheque. These provisions were incorporated with a view to encourage the culture of use of cheques and enhancing the credibility of the instrument. The existing provisions in the Negotiable Instruments Act, 1881, namely sections 138 to 142 in Chapter XVII have been found deficient in dealing with dishonour of cheques. Not only the punishment provided in the Act has proved to be inadequate, the procedure prescribed for the Courts to deal with such matters has been found to be cumbersome. The Courts are unable to dispose of such cases expeditiously in a time bound manner in view of the procedure contained in the Act.

The object of Section 138 is to inculcate faith in the efficacy of banking operations and credibility in transacting business on negotiable instruments. Despite civil remedy, Section 138 intended to prevent dishonesty on the part of the drawer of a negotiable instrument in drawing a cheque without sufficient funds in his account and in inducing the payee or holder in due course to act upon it. Chapter XVII containing Ss.138 to 142 introduced in the Act in the year of 1988 with the object of inculcating faith in the efficacy of banking operations and giving credibility to negotiable instruments in business transactions. The said provisions were intended to discourage people from not honouring their commitments by way of payment through cheques.

Amendment in the year of 2002

The Act has been amended in the year of 2002 by inserting new sections and certain amendments to old sections carried out. Section 143 to 147 has inserting in the year of 2002. The Amendment Act of 1988 by which the set of provisions relating to dishonour of cheques was introduced was repealed by the Repealing and Amending Act, 2001, but it did not have any effect upon the amendment of the Negotiable Instruments Act. The Author concentrates on the outlook of the dishonour of cheque with case law study. The Author Concentrates on certain aspects whether section 138 attracts or not. In present day scenario, there is lot of perplexity relating to dishonour of cheque. But every dishonour of cheque may not amount to offence.

Punishment

- Maximum 2 years (earlier it was 1 year) – to make the act more stringent vide 2002 Amendments – to was extended to the present 2 years.
- Up to twice the amount of cheque as FINE.

Directions

(1) Immediate cognizance- Magistrate/Judicial Magistrate (MM/JM), on the day when the complaint under section 138 of the Act is presented, shall scrutinize the complaint and, if the complaint is accompanied by the affidavit, and the affidavit and the documents, if any, are found to be in order, take cognizance and direct issuance of summons.

(2) Notice via email also- MM/JM should adopt a pragmatic and realistic approach while issuing summons. Summons must be properly addressed and sent by post as well as by e-mail address got from the complainant. Court, in appropriate cases, may take the assistance of the police or the nearby Court to serve notice to the accused. For notice of appearance, a short date is fixed. If the summons is received back un-served, immediate follow up action be taken.

(3) Instant Settlement - Court may indicate in the summon that if the accused makes an application for compounding of offences at the first hearing of the case and, if such an application is made, Court may pass appropriate orders at the earliest.

(4) Quick Trial – Court should direct the accused, when he appears to furnish a bail bond, to ensure his appearance during trial and ask him to take notice under section 251Cr.P.C. to enable him to enter his plea of defence and fix the case for defence evidence, unless an application is made by the accused under section 145(2) for re-calling a witness for cross-examination.

(5) Time bound Disposal – The Court concerned must ensure that examination-in-chief, cross-examination and re-examination of the complainant must be conducted within three months of assigning the case. The Court has option of accepting affidavits of the witnesses, instead of examining them in Court. Witnesses to the complaint and accused must be available for cross-examination as and when there is direction to this effect by the Court. All the Criminal Courts in the country dealing with section 138 cases shall follow the above-mentioned procedures for speedy and expeditious

disposal of cases falling under section 138 of the Negotiable Instruments Act. Source- Indian Bank Association and Others v. Union of India (Supreme Court), WRIT PETITION (CIVIL) NO.18 OF 2013,

Circumstances of dishonour

The circumstances under which dishonour of cheque takes place or that may contribute to the situation would be irrelevant and are required to be totally ignored. In Rakesh Nemkumar Porwal v. Narayan Dhondu Joglekar the Bombay High Court held that:

"A clear reading of Section 138 leaves no doubt in our mind that the circumstances under which such a dishonour takes place are required to be totally ignored. In such case, the law only takes cognizance of the fact that the payment has not been forthcoming and it matters little that any of the manifold reasons may have caused that situation."

Ingredients and requirements of the penal provisions

Section 138 creates an offence for which the mental elements are not necessary. It is enough if a cheque is drawn by the accused on an account maintained by him with a banker for payment of any amount of money to another person from out of that account for discharge in whole or in part, of any debt or other liability due. Therefore, whenever the cheques are on account of insufficiency of funds or reasons referable to the drawer's liability to provide for funds, the provisions of section 138 of the Act would be attracted, provided the following conditions are satisfied:

1. Existence of a live account

Existence of a "live account" at the time of issue of cheque is a condition precedent for attracting penal liability for the offence under this section. A cheque cannot be issued de hors an account maintained by its drawer with the banker. When the cheque is returned by the bank unpaid because of the account of money standing to the credit of the cheque, to make demand for payment as provided for payment as indicated in clause (b) of the provision. The words "that account" in the section denote to the account in respect of which the cheque was drawn. No doubt if any person manages to issue a cheque without an account with the bank concerned its consequences would not snowball into the offence described under section 138 of the Act. For the offence under section 138 of the Act there must have been an account maintained by the drawer at the time of the cheque was drawn.

Issue of Cheque in discharge of a legal debt or liability

The cheque issued unpaid by the bank must have been issued in discharge of a debt or other liability wholly or in part. Where a cheque is issued not for the purposes of discharge of any debt or other liability, the maker of the cheque is not liable for prosecution under section 138 of the Act. A cheque given as a gift or for any other reasons and not for the satisfaction of any debt or other liability, partly or wholly, even if it is returned unpaid will not meet the penal consequences. If the above conditions are fulfilled, irrespective of the mental conditions of the drawer he shall be deemed to have committed an offence, provided the other three requisites are fulfilled:

a) Presentation of the cheque within three months or within the period of its validity

The cheque must have been presented to the bank within a period of three months from the date on which it is drawn or its period of validity, whichever is earlier. Thus if a cheque is valid for three months and is presented to the bank within a period of six months the provisions of this section shall not be attracted. However if the period of validity of the cheque is not specified or prescribed the cheque is presented within three months from the date the cause of action can arise. The three months are taken from the date the cheque was drawn.

b) Return of the cheque unpaid for reason of insufficiency of funds

The cheque must be returned either because the money standing to the credit of that account is insufficient to honour the cheque or that it exceeds the arrangement made to be paid from that account by an agreement with the bank. Even if the cheque is returned with the endorsement "account closed" section 138 is attracted.

c) Issue of the notice of dishonour demanding payment within thirty days of receipt of information as to dishonour of the cheque.

The payee or the holder in due course of the cheque has to give a notice in writing making a demand for payment of the said amount of money to the drawer of the cheque. Such notice must be given within 30 days. Of information from the bank regarding the return of cheque as unpaid.

d) Failure of the drawer to make the payment within fifteen days of the receipt of the payment

After the receipt of the above notice the drawer of the cheque has to make payment of said amount of money to the payee or to the holder in due course of the cheque within 15 days of the receipt of the notice. If the payment is not made after the receipt of the notice within stipulated time a cause of action for initiating criminal proceedings under this section will arise.

e) The case of bounced cheque has to be initiated at the place where the branch of the bank on which the cheque was drawn is located.

In a landmark judgment, (Supreme Court of India(From Bombay))the Supreme Court has changed the ground rule

under Section 138 of Negotiable Instruments Act to prosecute a person who had presented the cheque which bounced for insufficiency of funds.

Earlier, a case under Section 138 could be initiated by the holder of the cheque at his place of business or residence. But, a bench of justices TS Thakur, Vikramjit Sen and C Nagappan ruled that the case has to be initiated at the place where the branch of the bank on which the cheque was drawn is located. In the case of Dashrath Rupsingh Rathod v/s State of, Maharashtra & Anr, 2014 Law Suit (SC) 589 on 01/08/2014.Criminal Appeal No: 2287 of 2009.

This means, if a man from Delhi gave a cheque drawn on a Delhi bank for buying something in Chennai and it bounced for insufficiency of funds, then the aggrieved person will have to travel all the way from Chennai to Delhi to initiate prosecution under Section 138.

Illustration

Constitutional validity of the provisions

Absolute Liability: Case – Hiten Dalal v. Bratindranath Banerjee (2001)6 SCC 16 Appellant issued four cheques to the respondent. This fact not denied. Both sections 138 and 139 provide that the Court "Shall Presume" the liability of the drawer of the cheques. This is presumption of Law as distinguished from presumption of fact, which describes the provision by which the court "May Presume".

Hence the burden of proof is upon the appellant –drawer to dissolve the presumption u/s. 138/139, which he failed to prove. In absence of any proof the presumption u/s 138 & 139 shall prevail. Thus drawer is liable.

Narayandas Bhagwandas Partani v. Union of India 1993 Mah. L.J. 1229: Entries 45 & 46 of 7th Schedule of the Constitution are wide enough to include the power and competence of the Central Govt. to provide for penal action and penalties in case of dishonor of cheque.

B. Mohan Krishna v. Union of India (1996)86 Comp Cas 487 AP Held: The mere fact that the new sections impose absolute liability dispensing with the doctrine of men rea does not render the provisions invalid. Also the provisions of section 140 was held to be valid.the question came up for consideration that whether the presumption raised in section 139 that the holder of the cheque received the cheque of the nature referred to in section 138, unless the contrary is established is violative of Article 20 (3) of the Constitution of India. The Court while answering negative held that:

"Unless a person is compelled to be a witness against himself Article 20 (3) has no application. The person charged under section 138 is not compelled to be a witness against himself. The presumption of the nature incorporated in section 139 is a common feature in criminal statutes for example section 12 of the Protection of Civil rights Act. The presumption under section 139 in favour of holder of cheque would not, therefore be volatile of Article 20 (3)."

Further such imposition of strict liability was put to judicial scrutiny on grounds of unreasonableness and arbitrariness in *Mayuri Pulse Mills v. Union of India* where the Bombay High Court held that:

"Normally in Criminal law existence of a guilty intent is an essential ingredient of a crime and the principle is expressed in the maxim 'actus non facit rum nisi men sit rea'. This is a general principle. However the legislature can always create an offence of absolute liability or strict liability is justified and cannot be said to be unreasonable."

Section 138 was also put to test in *Ramawati Sharma v. Union of India* in light of Article 21 of the Constitution of India where the court held that;

"Mere taking of loan is not, thus, made punishable under certain circumstances and after following certain conditions. It may not, therefore, be stated that the liberty of a person was being curtailed by an arbitrary procedure or that such a provision is violative of Article 21 of the Constitution"

In *K.S. Anto v. Union of India* the question of double jeopardy as enshrined in Article 20 (2) in light of section 138 and section 420 of the Indian Penal Code where the court held that:

"Offences under section 138 of the Negotiable Instruments Act and section 420 of the Indian Penal Code are different and the ingredients are different and the ingredients are also different. Convictions for different offences separately are not barred under article 20 (2). In spite of prosecutions and convictions under section 138, there will be no constitutional bar in prosecution for an offence punishable under section 420 of the Indian Penal Code and a prosecution will be if such an offence is made out."

Question of maintainability of criminal charge with a civil liability

There is nothing in law to prevent the criminal courts from taking cognizance of the offence, merely because on the same facts, the person concerned might also be subjected to civil liability or because civil remedy is obtainable. Civil and criminal proceedings are so extensive and not exclusive. If the elements of the offence under section 138 of the Negotiable Instruments Act are made out on the face of the complaint petition itself, enforcement of the liability through a civil court will not disentitle the aggrieved person from prosecuting the offender for the offence punishable under section 138 of the Act

Conclusion & Suggestions

The objective of the part VII Act is to solidify the importance of cheque as a way to inspire the development of banking, commerce, and the economy and the need to protect the continuing reliability coupled with the use of cheque as a main constituent of banking and as a medium of exchange in commerce and other economic endeavours. We also have established that the micro objective of the Act is the annihilation of the use of dishonour cheques to pay debts and settle sundry financial obligations.

The Amendments should be made to remove various structural and functional defects that, together with socio-cultural factors, have impeded the achievement of the Act's purpose.

The public must see that the writing of dishonour cheques is a significant corrupt practice and that must be stopped. The public also should be counselled that cheques should be issued only when there are enough funds in the bank to honour the cheques drawn, which would ensure that paying banks would honour the cheques.

The Reserve Bank of India, in conjunction with the banks, should increase awareness campaigns about the different strengths in using cheques to make payments and to discharge other financial obligations and thereby persuade people to use cheques in discharging monetary obligations. They should also educate the public about the peril of dishonour cheques.

The punishment should be enlarged to a minimum term of imprisonment for three years, without an option of fine (for individuals), principally when it joined with the punishment for the offense under IPC.

The offense must be considered committed immediately after issuance and not at any time before the expiration of six months afterwards.

Lok Adalats should be given the jurisdiction to decide the issue of dishonour of cheque and in this regard its decision should be made final. It will reduce the burden in the higher courts.

The period of fifteen days for reporting the cheque bouncing by the payee to the drawer should be increased because this is very short span of time and numerous occasions it is felt inadequate. There should be maximum 6 months time should be given to report the cheque bouncing to the drawer.

Reference

B. Mohan Krishna v. Union of India (1996)86 Comp Cas 487 AP

B. Venkat Narendra Prasad vs. State of A.P.

Critical study of the Dishonor of Cheque under The Negotiable Instruments Act, 1881

Commercial Law including Company Law and Industrial Law by Sen & Mitra

Dashrath Rupsingh Rathod v/s State of, Maharashtra & Anr, 2014 Law Suit (SC) 589 on 01/08/2014.Criminal Appeal No:2287 of 2009.

Equivalent citations: (1994) 96 BOMLR 953, 1996 86 CompCas 121 Bom

Equivalent citations: 1998 (2) ALD Cri 788, 1998 (2) ALT Cri 18, 2001 107 Comp Cas 215 All, 1999 Cri LJ 682

Equivalent citations: 2007 (2) Crimes 318(SC)

Gemini (V.K.) v sivadasan Kunju 2007 Cri LJ 2776 (Ker).

Indian Bank Association and Others v. Union of India (Supreme Court), WRIT PETITION (CIVIL) NO.18 OF 2013,

Kamala S. v Vidyadharan2007 (2) Crimes 318(SC).

Kapadvanj pupils Co. Bank Ltd. v Jaintybhai Talasagi Marwadi-2013(1) DCR 270 (Guj.)

Kali Ram (1973) 2 SCC 808; Hiten P. Dalal v Brathindra Nath 2001 Cri LJ 4647 (SC).

Kerala High Court. K.S. Anto vs Union Of India (Uoi) And Ors. on 8 July, 1991. Equivalent citations: 1993 76 Comp Cas 105 Ker. Author: S Padmanabhan.

Kody Elecot Ltd v Down Town Hospital (1991) 71 Comp Cas 125 (Mad).

KSL & Industries Ltd v Mannalal Khandelwal 2005Cri LJ 1210 (Bom) (DB).

Mercantile Law by M.C Kucchal.

Narayandas Bhagwandas Partani v. Union of India 1993 Mah. L.J. 1229

Negotiable Instruments Act, 1881.

Rajesh Agrawal v 2010 (171) DLT 51 (Del).

Rakesh Nemkumar Porwal vs. Narayan Dhondu Joglekar (1993 1 CR 268) = (1993 CRI L J 680) = (1993 MH L J 630) = (72 CC 822) DB BOM Any reason for dishonour is an offence.

Rameshbhai Somabhai Patel v Dineshbhai Achalanad Rathi 2005 Cri LJ 431 (Guj).

Shivaji Sampat Jagtap v Rajan Hiralal rora(2007) Cri LJ 122 (Bom).

Smt. Ramawati Sharma vs Union Of India (Uoi) And Ors. on 19 March, 1998

(1996) 86 Comp Cas 487.

(2005) 124 Comp Cas 621; see also, *K. Annaji Rao vs. N. Krishna Raju Sekhar,* (2005) 121 Comp Cas 831.